

**C. Remarks****1. Status of the Application**

Claims 1-42 are pending in the application. Claim 20 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply the enablement requirement. Claims 1-17, 19-25, 27-30, 32-37, and 39-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Publication No. 2002/0166291 ("Campbell"). Claims 18-37 and 39-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell. Claims 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of United States Patent No. 5,852,901 ("Meyers"). The examiner has objected to claim 42 as being of improper independent form. The examiner has objected to the specification based on an informality. The examiner has objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show every detail of the invention as claimed.

Applicant hereby amends claims 1, 6, 8, 15, 18-20, 28, 30, and 42, cancels claims 14 and 27, and adds new claims 43-47. Applicant also amends the specification and drawings as discussed further below. Applicant submits that no new matter has been added.

**2. The Rejection Under 35 U.S.C. § 112 Has Been Overcome.**

The examiner has rejected claim 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement based on its reciting "depends angularly outward." The examiner has stated that, for examination purposes, he reads the claim to say "extends angularly outward." Applicant hereby amends claim 20 to recite "extends angularly outward" in lieu of "depends angularly outward." Applicant respectfully submits that this amendment overcomes the present rejection.

**3. The Rejections Under 35 U.S.C. §§ 102(e) and 103(a) Have Been Overcome.**

The examiner has rejected claims 1-17, 19-25, 27-30, 32-37, and 39-42 under 35 U.S.C. § 102(e) as being anticipated by Campbell, claims 18-37 and 39-42 under 35 U.S.C. § 103(a) as

being unpatentable over Campbell, and claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Meyers. Applicant respectfully traverses these rejections. Applicant's claim 1, as filed amended, recited:

A casting riser pan for use in casting a concrete wall of a concrete structure with an access opening therethrough and a cover for the access opening, comprising:

a wall having an top portion and a bottom portion;

said wall defining the periphery of a concrete cover for the opening;

said wall including a single orientation portion to form an orientation element adapted to orient the concrete cover relative to the riser pan.

The examiner rejected claim 1 as filed on the ground that Campbell purportedly discloses, among other features recited in claim 1, an "annular wall including an orientation portion forming an orientation element." Office Action at 4. The structure of Campbell that the examiner interprets as an orientation element, however, is not an orientation element but instead is a seat for supporting a cover without respect whatsoever to the cover's orientation on the seat relative to the riser pan, as further recited in Applicant's claim 1. Applicant respectfully submits that Campbell neither teaches nor suggests this feature of claim 1 and that claim 1, therefore, is distinguishable and allowable over Campbell.

Notwithstanding, Applicant hereby amends claim 1 to more clearly and distinctly define the invention. Claim 1 as amended recites:

A casting riser pan comprising:

a wall having a top portion, a bottom portion, and an orientation element;

said wall defining an opening having an axis therethrough and said wall generally corresponding to the periphery of a removable concrete cover having an orientation element generally corresponding to and configured to mate with said orientation element of said wall to facilitate seating of said cover in said casting riser pan in a predetermined angular orientation about said axis with respect to the angular orientation of said casting riser pan about said axis.

As amended, claim 1 more clearly and distinctly points out the nature of the orientation element. Applicant respectfully submits that claim 1, as amended, is allowable over Campbell, which does not teach or suggest an orientation element or, more particularly, an orientation element that effects angular orientation of one component versus another. Because claims 2-13, 15-18, 43-44, and 47 depend from claim 1 and add further limitations thereto, Applicant submits that these claims are allowable as well.

Applicant hereby amends claim 19 to add a similar limitation directed to an orientation element. Applicant submits that claim 19, so amended, is allowable over Campbell at least for the reasons set forth above in connection with claim 1. Because claims 20-26, 28-42, and 45-46 depend from claim 19 and add further limitations thereto, Applicant submits that these claims are allowable as well.

4. Applicant's Other Claim Amendments And New Claims.

In addition to the foregoing amendments to claims 1 and 19, Applicant hereby amends claims 6, 8, 15, 18, 20, 28, 30, and 42, cancels claims 14 and 27, and adds new claims 43-47 to more clearly, distinctly, and/or completely define the invention. Applicant submits that the amended and new claims are allowable for at least the reasons set forth above.

5. The Objection to Claim 42 Is Unwarranted.

The examiner has objected to claim 42 as being of improper dependent form on the ground that it purportedly fails to further limit the subject matter of a previous claim, namely, claim 19. Office Action at 3. Applicant respectfully traverses this objection. Claim 19 recites a casting riser pan in terms of, among other things, a cover that can be used with the casting riser pan. Claim 19, however, does not recite such a cover being included as a necessary element of the invention of claim 19. Claim 42 depends from claim 19 and adds to claim 19 the further limitation of such a cover. Accordingly, Applicant submits that claim 42 is in proper dependent form.

6. The Objection to the Specification Has Been Overcome.

The examiner has objected to the specification based on an informality and has required amendment of Paragraph [0032]. Office Action at 2. Applicant hereby amends Paragraph [0032] accordingly.

7. The Objection to the Drawings Has Been Overcome.

The examiner has objected to the drawings on the ground that the anchoring system of claims 36 and 37 purportedly is not shown in the drawings. Office Action at 2-3. Applicant respectfully submits that such an anchoring system is indeed shown in Fig. 5. Applicant hereby amends Fig. 5 and relevant portions of the specification to add reference characters to positively identify such structure.

8. Conclusion

Applicant respectfully submits that the application is in condition for allowance and requests reconsideration toward that end.

Respectfully submitted,



Mark P. Vrla  
Registration No. 43,973  
Attorney for Applicant

Dated: November 13, 2007

**JENNER & BLOCK LLP**  
330 North Wabash Avenue  
Chicago, IL 60611  
Telephone No: (312) 222-9350  
Facsimile No: (312) 527-0484